

FILED
U.S. DISTRICT COURT
DISTRICT OF NEBRASKA

IN THE UNITED STATES DISTRICT COURT 2020 OCT 23 PM 12:03
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JONATHAN H. GOUTY, and BRANDON
LEE BARKER,

Defendants.

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INDICTMENT
18 U.S.C. § 922(a)(6) and
18 U.S.C. § 371

The Grand Jury charges that:

COUNT ONE

[Conspiracy to Make False Statements During the Purchase of Firearms]

Beginning at least as early as December 1, 2019, the exact date being unknown, and continuing to on or about February 4, 2020, in the District of Nebraska, Defendants JONATHAN H. GOUTY, BRANDON LEE BARKER, and R.D. (charged elsewhere), did knowingly and intentionally combine, conspire, confederate, and agree that R.D. would purchase firearms for JONATHAN H. GOUTY and BRANDON LEE BARKER from licensed dealers of firearms within the meaning of Chapter 44, Title 18, United States Code, and that in the process of purchasing those firearms, R.D. would knowingly make false and fictitious written statements to the licensed dealers of firearms, which statements were intended and likely to deceive the licensed firearms dealers, as to a fact material to the lawfulness of such attempted acquisition of the firearms under chapter 44 of Title 18, in that R.D. executed Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives Forms 4473 (hereafter "ATF Form 4473") and stated that she was the actual buyer of the firearms, when in fact as Defendants JONATHAN H.

GOUTY, BRANDON LEE BARKER, and R.D. then knew, R.D. was not the actual buyer of the firearms, in violation of Title 18, United States Code, Sections 922(a)(6).

MANNER AND MEANS OF THE CONSPIRACY

The purpose of the conspiracy was to acquire firearms by deceiving licensed sellers of the firearms as to who was the actual buyer of the firearms. The ways, manner, and means by which this purpose was carried out included the following:

1. It was part of the conspiracy that JONATHAN H. GOUTY would forgive or cancel a debt owed by R.D. to JONATHAN H. GOUTY for methamphetamine that R.D. had acquired from JONATHAN H. GOUTY, in exchange for R.D.'s participation in this conspiracy.
2. It was further part of this conspiracy that JONATHAN H. GOUTY and BRANDON LEE BARKER would shop for the firearms they wished to purchase, both online and by visiting the stores of licensed firearms dealers, and then tell R.D. which firearms they wished to purchase.
3. It was further part of this conspiracy that R.D. would complete the purchase of the firearms selected by JONATHAN H. GOUTY and BRANDON LEE BARKER, to include by completing the forms related to purchasing the firearms as if she was the actual buyer of the firearms.
4. It was further part of this conspiracy that R.D. would provide the firearms to JONATHAN H. GOUTY and BRANDON LEE BARKER after she purchased them.

OVERT ACTS

In furtherance of the conspiracy, and to effect the objects of the conspiracy, the following overt acts, among others, were committed in the District of Nebraska and elsewhere:

1. On or about December 4, 2019, R.D., as instructed by BRANDON LEE BARKER, purchased a CZ model P-10 F 9mm caliber pistol from Thunder Alley, LLC, a licensed firearms dealer with a store located within the District of Nebraska, and R.D. completed the forms related to the purchase of the firearm, including the ATF Form 4473, and falsely stated that she was the actual buyer of the firearm. R.D. then provided that firearm to BRANDON LEE BARKER.
2. On or about December 21, 2019, R.D., as instructed by JONATHAN H. GOUTY, purchased a Kel-Tec CNC Inc. model PF-9 9mm caliber pistol from DEGuns, a licensed firearms dealer with a store located within the District of Nebraska, and R.D. completed the forms related to the purchase of the firearm, including the ATF Form 4473, and falsely stated that she was the actual buyer of the firearm. R.D. then provided that firearm to JONATHAN H. GOUTY.
3. On or about January 2, 2020, R.D., as instructed by JONATHAN H. GOUTY, purchased a Rock Island Armory model M1911-A1 .45 caliber pistol from DEGuns, a licensed firearms dealer with a store located within the District of Nebraska, and R.D. completed the forms related to the purchase of the firearm, including the ATF Form 4473, and falsely stated that she was the actual buyer of the firearm. R.D. then provided that firearm to JONATHAN H. GOUTY.
4. On or about January 3, 2020, R.D., as instructed by JONATHAN H. GOUTY, purchased a Mossberg model 590 12 gauge shotgun, a DPMS model A-15 5.56 caliber rifle, and a Rock Island Armory model M1911-A1 .45 caliber pistol, from DEGuns a licensed firearms dealer with a store located within the District of Nebraska, and R.D. completed the forms related to the purchase of those firearms,

including the ATF Form 4473, and falsely stated that she was the actual buyer of the firearms. R.D. then provided those firearms to JONATHAN H. GOUTY.

5. On or about January 12, 2020, BRANDON LEE BARKER possessed the Rock Island Armory model M1911-A1 .45 caliber pistol purchased by R.D. on January 2, 2020.
6. On or about January 14, 2020, as instructed by JONATHAN H. GOUTY, R.D. reported to the Lincoln Police Department that the firearms she purchased as described in paragraphs one through four, were stolen by an unknown person, when in fact the firearms had not been stolen, but provided to JONATHAN H. GOUTY and BRANDON LEE BARKER.
7. On or about February 4, 2020, JONATHAN H. GOUTY possessed ammunition, magazines designed to hold ammunition for firearms, the case for the Kel-Tec CNC Inc. model PF-9 9mm caliber pistol purchased by R.D. on December 21, 2019, and the case for the Rock Island Armory model M1911-A1 .45 caliber pistol purchased by R.D. on January 2, 2020.

All in violation of Title 18, United States Code, Section 371.

A TRUE BILL.

FOREPERSON

The United States of America requests that trial of this case be held in Lincoln, Nebraska, pursuant to the rules of this Court.


MATTHEW R. MOLSEN, #22693
Assistant U.S. Attorney